

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHRYSLER REALITY COMPANY, LLC

Plaintiff,

CIVIL NO. 06-11785

v.

PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

DESIGN FORUM ARCHITECTS,

Defendants.

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**ORDER LIFTING STAY AND REQUESTING BRIEFING BY OCTOBER 12, 2009 –  
10 PAGE MAXIMUM – APPLYING ADKINS v. WOLEVER,  
554 F.3d 650 (6<sup>th</sup> Cir. 2009) TO THE INSTANT CASE**

The U.S. Court of Appeals for the Sixth Circuit held in the instant appeal, *Chrysler Realty v. Forum Architects*, 08-1771 (6<sup>th</sup> Cir. 2009) (June 30, 2009) 2009 WL 1872444 (unpublished) that “Adkins overruled the *Welsh* [v. *United States*, 844 F.2d 1239, 245 (6<sup>th</sup> Cir. 1988)] line of cases and held that in cases litigated in federal court, federal law governs the issue of whether evidence should be excluded based on spoliation.” Slip Op. P.3.

The Sixth Circuit remanded to this Court to provide an opportunity to apply the newly adopted *Adkins* rule.

Accordingly, the Court provides the parties with an opportunity to brief the *Adkins* issue up to 10 pages by October 12, 2009; no response briefs.

SO ORDERED.

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s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: July 24, 2009

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on July 24, 2009.

s/Denise Goodine  
Case Manager